



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,117	09/30/2003	Hung Q. Daodang	HSJ920030131US1	4315

7590 08/29/2005

Robert O. Guillot, Esq.
IPLO
INTELLECTUAL PROPERTY LAW OFFICES
1901 South Bascom, Suite 660
Campbell, CA 95008

EXAMINER

TUROC, DAVID P

ART UNIT	PAPER NUMBER
----------	--------------

1762

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

14

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/677,117	Applicant(s) DAODANG ET AL.	
	Examiner David Turocy	Art Unit 1762	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 14-19.
Claim(s) withdrawn from consideration: 1-13.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Detailed Action.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/19/2005 have been fully considered but they are not persuasive.

The applicant has argued against the '531 patent stating the patent does not inherently intercept the surface waves at all times during the lowering and removing of articles from the bath. The applicant asserts, at column 4, lines 8-19, the '531 patent discloses the fluidized powder level rises up through the screed and overflows the side walls of the tank and the fluid is not initially in contact with the screen. The examiner respectfully disagrees. Column 4, lines 8-19 of the '531 patent is directed to Figure 5, which discloses the screen is arranged near the surface of the fluid bath. While '531 discloses adjusting the bath a small amount A above the surface, '531 discloses adjusting the screen to contact the top surface to stabilize the bed during *immersion and removal* (Abstract, Column 2, lines 65). '531 discloses it is imperative that the screen must be in contact with the powder upon article immersion, which reasonably suggests to one of ordinary skill in the art the waves are substantially intercepted during the entire immersion process (Column 3, lines 1-3). Therefore one of ordinary skill in the art at the time of the invention would have adjusted the screen so as the level of the bath upon immersion contacts the screen to reap the benefits of a stable top surface during both immersion and removal.

The applicant has argued '531 discloses as the article is immersed the fluid level rises above the tank and overflows the screen and out of the tank, therefore as the

Art Unit: 1762

article is removed from the tank the fluid level drops because some of the fluid has overflowed the tank. The applicants therefore argue the fluid level drops below the screen and therefore the screen does not intercept the waves. The examiner respectfully disagrees. While '531 discloses the fluid overflows the tank, '51 also discloses adding additional fluid to provide a constant fluid level during the entire process (Column 4, lines 29-65). The '531 patent discloses this constant level of coating material is important to insure the uniform coating. In addition '531 discloses adjusting the screen to contact the top surface to stabilize the bed during *immersion and removal* (Abstract). Therefore one of ordinary skill in the art at the time of the invention would have adjusted the amount of coating material in the immersion bath to replace the overflow amount to maintain a constant coating bath level to reap the benefits of a stable top surface during both immersion and removal.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, '471 discloses providing a uniform coating by immersing multiple articles in a bath and '531 discloses when immersing multiple components in an immersion bath providing a screen at the top of the bath allows for the interception of surface waves which may cause a parting

Art Unit: 1762

line, i.e. a non-uniform coating. Therefore it would have been obvious to one of ordinary skill in the art to provide a screen as taught by the '531 patent to reap the benefits of a more uniform coating without a parting line.

The applicant has repeated the arguments set forth in the response to the non-final rejection, those arguments dated 5/31/2005, and therefore the examiner has repeated the response to arguments below.

The applicant has argued against the '531 patent stating that the patent is directed to controlling and calming the surface of a bath between subsequent dipping of different sets of articles. The examiner respectfully disagrees. While '531 discloses the surface waves can be reduced between subsequent immersions of different sets, '531 also discloses surface waves are a hindrance when multiple articles are immersed at the same time (Column 1, lines 35-40).

The applicant has argued '531 does not teach intercepting surface waves within the bath at all time during the lowering and/or the removing of the substrates from the bath. In particular the applicant has cited passages where the wave-suppressing member, as taught by '531, is entirely immersed in the bath. The examiner respectfully disagrees. The examiner directs the applicant attention to the passage recited at col. 4, lines 8-19:

The screen **12**, however, is now positioned immediately adjacent the to opening of the noted chamber and in effect acts as a cover-like element for that chamber. Now, as articles are immersed through the openings **24** into the powder material, the top surface level of that bed will, of course, again rise but in this case it will tend to overflow the side walls **14** which act as weirs. Thus, a further leveling

Art Unit: 1762

effect and maximum retention of material in the bed will be controlled through the overflow of weir type action.

In addition '531 discloses providing the screen as the substrates are immersed and withdrawn from the coating material (Column 1, lines 49-51). The position of the screen, as taught by the above passage, discloses positioning the screen in constant contact with the upper surface of the immersion bath during all portions the immersion and therefore the screen inherently intercepts the surface waves at all times during the lowering and removing from the bath as required by the amended claims.

Conclusion

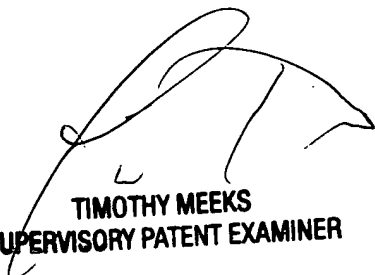
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Turocy whose telephone number is (571) 272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1762

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Turocy
AU 1762



TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER